

Docket No.: BII-001.01
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Roy R. Lobb

Application No.: 10/521,513

Filed: November 18, 2005

For: THERAPIES FOR RENAL FAILURE
USING INTERFERON-BETA-1

Confirmation No.: 2848

Art Unit: 1647

Examiner: Lockard, Jon McClelland

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is being filed in response to the Restriction Requirement, mailed on December 19, 2007, in the above-referenced application.

The Examiner has required restriction to one of two groups under 35 U.S.C. §§121 and 372:

I. Claims 70-72, 74-77, 79-80, 85, and 99, drawn to a method for treating glomerulonephritis comprising administering an IFN-beta therapeutic; and

II. Claims 105-106, 108-111, 113-114, 119, and 133, drawn to a method for treating chronic renal failure comprising administering an IFN-beta therapeutic.

In response to the restriction requirement, Applicants provisionally elect without traverse, **Group I, claims 70-72, 74-77, 79-80, 85, and 99, drawn to a method for treating glomerulonephritis comprising administering an IFN-beta therapeutic.**

The Examiner further requires election to one of the following species to which the claims shall be restricted if no generic claim is finally held to be allowable: focal glomerulosclerosis,

collapsing glomerulopathies, minimal change disease, crescentic glomerulonephritis, nephritic syndrome, nephrotic syndrome, primary glomerulonephritis, secondary glomerulonephritis, proliferative glomerulonephritis, membranous glomerulonephritis, membranoproliferative glomerulonephritis, immune-complex glomerulonephritis, anti-glomerular basement membrane (anti-GBM) glomerulonephritis, pauci-immune glomerulonephritis, diabetic glomerulopathy, chronic glomerulonephritis, and hereditary nephritis.

In response to the species requirement, Applicants provisionally elect, **crescentic glomerulonephritis**, for search purposes only. Applicants submit that claims 70-72, 74-77, 79-80, 85, and 99 are readable on the elected species.

CONCLUSION

If a telephone conversation with Applicants' Agent would expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 832-1749.

Although no fee is believed to be due in connection with this submission, the Commissioner is hereby authorized to charge any required fees or credit any overpayment to our Deposit Account No. 06-1448, Reference BII-001.01.

Dated: January 22, 2008

Respectfully submitted,

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